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C O N F I D E N T I A L SECTION 01 OF 02 TIRANA 000686

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SUBJECT: PM PLAYS NICE, PRESIDENT EXPRESSES CONCERN IN
MEETINGS WITH AMBASSADOR

Classified By: Ambassador John L. Withers, reasons 1.4 (b) and (d)

11. (C) SUMMARY: In separate meetings on September 4 and 5, a conciliatory Prime Minister Berisha and a frustrated President Topi discussed NATO ratification and the draft media, intelligence agency and Prosecutor General laws with Ambassador Withers. In response to the Ambassador's concerns that the draft PG, media and intel reform laws appear designed to undermine the independence of those institutions, PM Berisha immediately began to backpedal and agreed to each of the Ambassador's suggestions. However, President Topi expressed his strong concerns that Berisha is continuing efforts to undermine and control independent institutions, particularly the Prosecutor General. END SUMMARY.

BERISHA: YOU WANT IT? YOU GOT IT

12. (SBU) Ambassador Withers opened the meeting with PM Berisha by informing him that EUR A/S Fried would testify in front of Congress on September 10 regarding NATO expansion. Berisha thanked the Ambassador profusely for U.S. support of Albania's NATO membership, and expressed admiration for President Bush's "strong stand" on Georgia.

13. (C) The Ambassador then expressed concern over the draft Prosecutor General law, telling Berisha that not only was the process of drafting the law confused and opaque, but that the draft itself still appeared specifically designed to impose more political control on the work of the PG. (NOTE: This was not the first time the Ambassador himself had engaged directly with the GOA on the draft PG law. During previous meetings with Minister of Justice the Ambassador objected strongly to numerous provisions of the draft. The Minister almost certainly reported these objections back to Berisha, who likely factored this in to his decision to present a more amenable face during his meeting with the Ambassador. END NOTE.) The Ambassador asked that a full draft of the law be given to the Working Group (in which OPDAT participates) for a full review. Berisha agreed that the drafting process had been confused, and agreed to make a full text of the draft law available immediately. The PM then assured the Ambassador that the PG law would, when finished, "meet all international standards." Berisha told the Ambassador that he would also push to have Parliament remove immunity for all government officials and MPs, and not just for the Prosecutor General. At the Ambassador's suggestion, Berisha also agreed to remove from the draft a proposal to add an additional Ministry of Justice representative to the Council of Prosecutors. (NOTE: The Working Group believes the addition of another MOJ rep. to the Council would increase government control over the work of prosecutors. END NOTE). Berisha also backed away from a proposal in the draft law to remove

the voting rights of the President's representative on the Council.

14. (C) The Ambassador shifted the topic to reform of the intelligence services, telling Berisha that he was "very troubled" by a draft law the Embassy had seen that sought to reorganize the intelligence services with an eye towards giving the PM greater control. Berisha began backpedaling immediately, telling the Ambassador he was unfamiliar with any such draft and said the only draft law Berisha had seen sought only to create a small office under the PM that would analyze threats such as environmental catastrophes not covered by the Ministry of Interior or Intelligence Service (SHISH). Regarding the draft media law, Berisha said that opposition Parliamentary Group Leader Valentina Leskaj was in charge of drafting the new media law. The PM assured the Ambassador he is ready to sign a new media law, "regardless of the drafter, as long as it is up to the highest international standards." Berisha added that he has "zero intention to restrict the media" in any way.

PRESIDENT TOPI: BERISHA GOVERNMENT NON-TRANSPARENT

15. (C) The Ambassador assured President Topi that although Albania has no stronger ally and advocate for NATO ratification, the U.S. remains troubled by a number of domestic developments in Albania, including concerns over media freedom and the draft media, intel and PG laws. The Ambassador told Topi that the closer Albania gets to NATO, the higher the expectations for Albania.

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16. (C) Topi agreed that some work of the government was being done non-transparently. He criticized government efforts to politicize the work of Albanian State TV (TVSH) through the appointment of partisan political officials, and added that the opposition had also failed to criticize efforts to politicize TVSH. Topi shared the Ambassador's concern over the draft PG law, saying that his office also had not been given a complete draft of the law. Topi complained that the draft law sought to reduce the influence of the President's office on the Council of Prosecutors while at the same time increasing the role of the Ministry of Justice by removing the voting rights of the President's representative and adding one more MOJ representative. Topi said it is "unacceptable" that it has taken four years for the government to begin the process of issuing new ID cards and expressed concern over the repeated delays in passing a new electoral code.

17. (C) COMMENT: Berisha's newly conciliatory approach likely reflects more a change in tactics and less a change in overall strategy. After repeated clashes with the Embassy on the draft PG and intel reform laws, Berisha appears to be giving ground - at least for now. Regarding the draft PG law, the last few days have seen a more transparent and conciliatory MOJ, with almost all of the most objectionable clauses of the original removed from the most recent draft. It remains to be seen whether Berisha will live up to his word on the other draft laws, but it was telling that Berisha - who often becomes defiant during meetings when challenged - conceded immediately during the meeting with the Ambassador, agreeing to practically every suggestion the Ambassador put forth. Nevertheless, the consensus view in Tirana among both international and Albanian observers is that Berisha will continue to seek greater control over the media, PG and intel services, with a goal of asserting control over the Gerdec investigation and better positioning his Democratic Party for next year's parliamentary elections. The only difference now is that Berisha is likely to abandon the frontal assault on independent institutions in favor of a more indirect approach.

WITHERS